IN THE HIGH COURT OF BOMBAY AT GOA
***

WRIT PETITION NO. 396 OF 2003
AND CIVIL APPLICATION NO. 203 OF 2003

The Patriarch of the East
Indies, herein represetned
by its Procurator, Rev. Fr.
Arlino D'Mello, son of
Joseph D'Mello, age 47 years,
and resident at the Bishop
Palace, Altinho, Panaji,Goa. ... Petitioners

Versus

Mr. Gonsalo Rebello,
son of late Francisco Rebello,
Driver, age 45 years, r/o
House No.90, Baida Ward,
Chinchinim, Salcete, Goa. ... Respondent.

Shri C. Vas, advocate for the petitioners.

CORAM : F. I. REBELLO, J.

DATE : 7th August, 2003.

ORAL ORDER

There are two concurrent findings of fact by the Courts below in favour of the respondent. The grievance of the petitioners is that they are the owners of the property and the respondent is now seeking to cut valuable trees which are in the property. That contention is rejected on the ground that the petitioners can be compensated in terms of money. The Order does not suffer from any error apparent on the face of the record nor from jurisdiction.

In the light of that the Writ Petition and also the Civil Application are rejected.

It is made clear that if the respondent seeks to alter the character of the suit property, it will be open

to the petitioners herein to move the trial Court based on the said cause of action, for any relief which they may be entitled to in law.

F. I. REBELLO, J.

mc.